
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JILLANE L. POPE,

Plaintiff,

v.

WELLS FARGO BANK, N.A.;
JPMORGAN CHASE BANK &
COMPANY, N.A.; JON PETERSON, an
individual; **ERIC JOHN,** an individual; and
KEN LONG, an individual,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING IN FULL REPORT
AND RECOMMENDATION**

Case No. 2:23-CV-00086-JNP-DBP

District Judge Jill N. Parrish
Magistrate Judge Dustin B. Pead

Magistrate Judge Dustin B. Pead issued a Report and Recommendation that the court grant the motions to dismiss filed by Defendants JPMorgan Chase Bank (ECF No. 22) and Wells Fargo Bank, N.A. (ECF No. 25). *See* ECF No. 31. Judge Pead notified the parties that a failure to file a timely objection to his recommendation could waive any objections to it. No party filed a timely objection to the Report and Recommendation and any argument that it was in error has thus been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also Duffield v. Jackson*, 545 F.3d 1234, 1238 (10th Cir. 2008) (listing factors to apply in determining whether the interests of justice require an exception to the waiver rule). The court does not find an exception to the waiver rule required in the interests of justice.

Thus, having reviewed the Report and Recommendation, the court concludes it is not clearly erroneous and **ADOPTS IN FULL** the Report and Recommendation.

Accordingly, the court **ORDERS** as follows:

1. The Report and Recommendation (ECF No. 31) is **ADOPTED IN FULL**.
2. JPMorgan Chase Bank's Motion to Dismiss (ECF No. 22) is **GRANTED** and Plaintiff's claims against JPMorgan Chase Bank are **DISMISSED** without prejudice.
3. Wells Fargo Bank, N.A.'s Motion to Dismiss (ECF No. 25) is **GRANTED** and Plaintiff's claims against Wells Fargo Bank, N.A. are **DISMISSED** without prejudice.

Signed February 9, 2024

BY THE COURT



Jill N. Parrish

United States District Court Judge